

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 430 be amended to read as follows:

1 Page 2, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 2. IC 22-3-3-10, AS AMENDED BY P.L.31-2000,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2003]: Sec. 10. (a) With respect to injuries in the following
5 schedule occurring prior to April 1, 1951, the employee shall receive
6 in addition to temporary total disability benefits not exceeding
7 twenty-six (26) weeks on account of the injuries, a weekly
8 compensation of fifty-five percent (55%) of the employee's average
9 weekly wages. With respect to injuries in the following schedule
10 occurring on and after April 1, 1951, and prior to July 1, 1971, the
11 employee shall receive in addition to temporary total disability benefits
12 not exceeding twenty-six (26) weeks on account of the injuries, a
13 weekly compensation of sixty percent (60%) of the employee's average
14 weekly wages. With respect to injuries in the following schedule
15 occurring on and after July 1, 1971, and before July 1, 1977, the
16 employee shall receive in addition to temporary total disability benefits
17 not exceeding twenty-six (26) weeks on account of the injuries, a
18 weekly compensation of sixty percent (60%) of the employee's average
19 weekly wages not to exceed one hundred dollars (\$100) average weekly
20 wages, for the periods stated for the injuries. With respect to injuries
21 in the following schedule occurring on and after July 1, 1977, and
22 before July 1, 1979, the employee shall receive, in addition to
23 temporary total disability benefits not exceeding twenty-six (26) weeks
24 on account of the injury, a weekly compensation of sixty percent (60%)
25 of ~~his~~ **the employee's** average weekly wages, not to exceed one
26 hundred twenty-five dollars (\$125) average weekly wages, for the
27 period stated for the injury. With respect to injuries in the following
28 schedule occurring on and after July 1, 1979, and before July 1, 1988,
29 the employee shall receive, in addition to temporary total disability
30 benefits not to exceed fifty-two (52) weeks on account of the injury, a
31 weekly compensation of sixty percent (60%) of the employee's average

1 weekly wages, not to exceed one hundred twenty-five dollars (\$125)
 2 average weekly wages, for the period stated for the injury. With respect
 3 to injuries in the following schedule occurring on and after July 1,
 4 1988, and before July 1, 1989, the employee shall receive, in addition
 5 to temporary total disability benefits not exceeding seventy-eight (78)
 6 weeks on account of the injury, a weekly compensation of sixty percent
 7 (60%) of the employee's average weekly wages, not to exceed one
 8 hundred sixty-six dollars (\$166) average weekly wages, for the period
 9 stated for the injury.

10 With respect to injuries in the following schedule occurring on and
 11 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 12 in addition to temporary total disability benefits not exceeding
 13 seventy-eight (78) weeks on account of the injury, a weekly
 14 compensation of sixty percent (60%) of the employee's average weekly
 15 wages, not to exceed one hundred eighty-three dollars (\$183) average
 16 weekly wages, for the period stated for the injury.

17 With respect to injuries in the following schedule occurring on and
 18 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 19 in addition to temporary total disability benefits not exceeding
 20 seventy-eight (78) weeks on account of the injury, a weekly
 21 compensation of sixty percent (60%) of the employee's average weekly
 22 wages, not to exceed two hundred dollars (\$200) average weekly
 23 wages, for the period stated for the injury.

24 (1) Amputation: For the loss by separation of the thumb, sixty
 25 (60) weeks, of the index finger forty (40) weeks, of the second
 26 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 27 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 28 by separation below the elbow joint two hundred (200) weeks, or
 29 the arm above the elbow two hundred fifty (250) weeks, of the big
 30 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 31 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 32 of the fifth or little toe ten (10) weeks, and for loss occurring
 33 before April 1, 1959, by separation of the foot below the knee
 34 joint one hundred fifty (150) weeks and of the leg above the knee
 35 joint two hundred (200) weeks; for loss occurring on and after
 36 April 1, 1959, by separation of the foot below the knee joint, one
 37 hundred seventy-five (175) weeks and of the leg above the knee
 38 joint two hundred twenty-five (225) weeks. The loss of more than
 39 one (1) phalange of a thumb or toes shall be considered as the loss
 40 of the entire thumb or toe. The loss of more than two (2)
 41 phalanges of a finger shall be considered as the loss of the entire
 42 finger. The loss of not more than one (1) phalange of a thumb or
 43 toe shall be considered as the loss of one-half (1/2) of the thumb
 44 or toe and compensation shall be paid for one-half (1/2) of the
 45 period for the loss of the entire thumb or toe. The loss of not more
 46 than one (1) phalange of a finger shall be considered as the loss
 47 of one-third (1/3) of the finger and compensation shall be paid for

1 one-third (1/3) the period for the loss of the entire finger. The loss
2 of more than one (1) phalange of the finger but not more than two
3 (2) phalanges of the finger, shall be considered as the loss of
4 one-half (1/2) of the finger and compensation shall be paid for
5 one-half (1/2) of the period for the loss of the entire finger.

6 (2) For the loss by separation of both hands or both feet or the
7 total sight of both eyes, or any two (2) such losses in the same
8 accident, five hundred (500) weeks.

9 (3) For the permanent and complete loss of vision by enucleation
10 or its reduction to one-tenth (1/10) of normal vision with glasses,
11 one hundred seventy-five (175) weeks.

12 (4) For the permanent and complete loss of hearing in one (1) ear,
13 seventy-five (75) weeks, and in both ears, two hundred (200)
14 weeks.

15 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
16 both testicles, one hundred fifty (150) weeks.

17 (b) With respect to injuries in the following schedule occurring prior
18 to April 1, 1951, the employee shall receive in lieu of all other
19 compensation on account of the injuries, a weekly compensation of
20 fifty-five percent (55%) of the employee's average weekly wages. With
21 respect to injuries in the following schedule occurring on and after
22 April 1, 1951, and prior to April 1, 1955, the employee shall receive in
23 lieu of all other compensation on account of the injuries a weekly
24 compensation of sixty percent (60%) of the employee's average weekly
25 wages. With respect to injuries in the following schedule occurring on
26 and after April 1, 1955, and prior to July 1, 1971, the employee shall
27 receive in addition to temporary total disability benefits not exceeding
28 twenty-six (26) weeks on account of the injuries, a weekly
29 compensation of sixty percent (60%) of the employee's average weekly
30 wages. With respect to injuries in the following schedule occurring on
31 and after July 1, 1971, and before July 1, 1977, the employee shall
32 receive in addition to temporary total disability benefits not exceeding
33 twenty-six (26) weeks on account of the injuries, a weekly
34 compensation of sixty percent (60%) of the employee's average weekly
35 wages, not to exceed one hundred dollars (\$100) average weekly
36 wages, for the period stated for such injuries respectively. With respect
37 to injuries in the following schedule occurring on and after July 1,
38 1977, and before July 1, 1979, the employee shall receive, in addition
39 to temporary total disability benefits not exceeding twenty-six (26)
40 weeks on account of the injury, a weekly compensation of sixty percent
41 (60%) of the employee's average weekly wages not to exceed one
42 hundred twenty-five dollars (\$125) average weekly wages, for the
43 period stated for the injury. With respect to injuries in the following
44 schedule occurring on and after July 1, 1979, and before July 1, 1988,
45 the employee shall receive, in addition to temporary total disability
46 benefits not exceeding fifty-two (52) weeks on account of the injury, a
47 weekly compensation of sixty percent (60%) of the employee's average

1 weekly wages not to exceed one hundred twenty-five dollars (\$125)
 2 average weekly wages for the period stated for the injury. With respect
 3 to injuries in the following schedule occurring on and after July 1,
 4 1988, and before July 1, 1989, the employee shall receive, in addition
 5 to temporary total disability benefits not exceeding seventy-eight (78)
 6 weeks on account of the injury, a weekly compensation of sixty percent
 7 (60%) of the employee's average weekly wages, not to exceed one
 8 hundred sixty-six dollars (\$166) average weekly wages, for the period
 9 stated for the injury.

10 With respect to injuries in the following schedule occurring on and
 11 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 12 in addition to temporary total disability benefits not exceeding
 13 seventy-eight (78) weeks on account of the injury, a weekly
 14 compensation of sixty percent (60%) of the employee's average weekly
 15 wages, not to exceed one hundred eighty-three dollars (\$183) average
 16 weekly wages, for the period stated for the injury.

17 With respect to injuries in the following schedule occurring on and
 18 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 19 in addition to temporary total disability benefits not exceeding
 20 seventy-eight (78) weeks on account of the injury, a weekly
 21 compensation of sixty percent (60%) of the employee's average weekly
 22 wages, not to exceed two hundred dollars (\$200) average weekly
 23 wages, for the period stated for the injury.

24 (1) Loss of use: The total permanent loss of the use of an arm,
 25 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 26 as the equivalent of the loss by separation of the arm, hand,
 27 thumb, finger, leg, foot, toe, or phalange, and compensation shall
 28 be paid for the same period as for the loss thereof by separation.

29 (2) Partial loss of use: For the permanent partial loss of the use of
 30 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 31 compensation shall be paid for the proportionate loss of the use of
 32 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

33 (3) For injuries resulting in total permanent disability, five
 34 hundred (500) weeks.

35 (4) For any permanent reduction of the sight of an eye less than a
 36 total loss as specified in subsection (a)(3), compensation shall be
 37 paid for a period proportionate to the degree of such permanent
 38 reduction without correction or glasses. However, when such
 39 permanent reduction without correction or glasses would result in
 40 one hundred percent (100%) loss of vision, but correction or
 41 glasses would result in restoration of vision, then in such event
 42 compensation shall be paid for fifty percent (50%) of such total
 43 loss of vision without glasses, plus an additional amount equal to
 44 the proportionate amount of such reduction with glasses, not to
 45 exceed an additional fifty percent (50%).

46 (5) For any permanent reduction of the hearing of one (1) or both
 47 ears, less than the total loss as specified in subsection (a)(4),

1 compensation shall be paid for a period proportional to the degree
2 of such permanent reduction.

3 (6) In all other cases of permanent partial impairment,
4 compensation proportionate to the degree of such permanent
5 partial impairment, in the discretion of the worker's compensation
6 board, not exceeding five hundred (500) weeks.

7 (7) In all cases of permanent disfigurement which may impair the
8 future usefulness or opportunities of the employee, compensation,
9 in the discretion of the worker's compensation board, not
10 exceeding two hundred (200) weeks, except that no compensation
11 shall be payable under this subdivision where compensation is
12 payable elsewhere in this section.

13 (c) With respect to injuries in the following schedule occurring on
14 and after July 1, 1991, the employee shall receive in addition to
15 temporary total disability benefits, not exceeding one hundred
16 twenty-five (125) weeks on account of the injury, compensation in an
17 amount determined under the following schedule to be paid weekly at
18 a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's
19 average weekly wages during the fifty-two (52) weeks immediately
20 preceding the week in which the injury occurred.

21 (1) Amputation: For the loss by separation of the thumb, twelve
22 (12) degrees of permanent impairment; of the index finger, eight
23 (8) degrees of permanent impairment; of the second finger, seven
24 (7) degrees of permanent impairment; of the third or ring finger,
25 six (6) degrees of permanent impairment; of the fourth or little
26 finger, four (4) degrees of permanent impairment; of the hand by
27 separation below the elbow joint, forty (40) degrees of permanent
28 impairment; of the arm above the elbow, fifty (50) degrees of
29 permanent impairment; of the big toe, twelve (12) degrees of
30 permanent impairment; of the second toe, six (6) degrees of
31 permanent impairment; of the third toe, four (4) degrees of
32 permanent impairment; of the fourth toe, three (3) degrees of
33 permanent impairment; of the fifth or little toe, two (2) degrees of
34 permanent impairment; by separation of the foot below the knee
35 joint, thirty-five (35) degrees of permanent impairment; and of the
36 leg above the knee joint, forty-five (45) degrees of permanent
37 impairment.

38 (2) Amputations: For the loss by separation of any of the body
39 parts described in subdivision (1) on or after July 1, 1997, and for
40 the loss by separation of any of the body parts described in
41 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
42 values per degree applying on the date of the injury as described
43 in subsection (d) shall be multiplied by two (2). However, the
44 doubling provision of this subdivision does not apply to a loss of
45 use that is not a loss by separation.

46 (3) The loss of more than one (1) phalange of a thumb or toe shall
47 be considered as the loss of the entire thumb or toe. The loss of

more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then

1 compensation shall be paid for fifty percent (50%) of the total loss
 2 of vision without glasses, plus an additional amount equal to the
 3 proportionate amount of the reduction with glasses, not to exceed
 4 an additional fifty percent (50%).

5 (13) For any permanent reduction of the hearing of one (1) or both
 6 ears, less than the total loss as specified in subsection (a)(4),
 7 compensation shall be paid in an amount proportionate to the
 8 degree of a permanent reduction.

9 (14) In all other cases of permanent partial impairment,
 10 compensation proportionate to the degree of a permanent partial
 11 impairment, in the discretion of the worker's compensation board,
 12 not exceeding one hundred (100) degrees of permanent
 13 impairment.

14 (15) In all cases of permanent disfigurement which may impair
 15 the future usefulness or opportunities of the employee,
 16 compensation, in the discretion of the worker's compensation
 17 board, not exceeding forty (40) degrees of permanent impairment
 18 except that no compensation shall be payable under this
 19 subdivision where compensation is payable elsewhere in this
 20 section.

21 (d) Compensation for permanent partial impairment shall be paid
 22 according to the degree of permanent impairment for the injury
 23 determined under subsection (c) and the following:

24 (1) With respect to injuries occurring on and after July 1, 1991,
 25 and before July 1, 1992, for each degree of permanent impairment
 26 from one (1) to thirty-five (35), five hundred dollars (\$500) per
 27 degree; for each degree of permanent impairment from thirty-six
 28 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
 29 degree of permanent impairment above fifty (50), one thousand
 30 five hundred dollars (\$1,500) per degree.

31 (2) With respect to injuries occurring on and after July 1, 1992,
 32 and before July 1, 1993, for each degree of permanent impairment
 33 from one (1) to twenty (20), five hundred dollars (\$500) per
 34 degree; for each degree of permanent impairment from
 35 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 36 per degree; for each degree of permanent impairment from
 37 thirty-six (36) to fifty (50), one thousand three hundred dollars
 38 (\$1,300) per degree; for each degree of permanent impairment
 39 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 40 degree.

41 (3) With respect to injuries occurring on and after July 1, 1993,
 42 and before July 1, 1997, for each degree of permanent impairment
 43 from one (1) to ten (10), five hundred dollars (\$500) per degree;
 44 for each degree of permanent impairment from eleven (11) to
 45 twenty (20), seven hundred dollars (\$700) per degree; for each
 46 degree of permanent impairment from twenty-one (21) to
 47 thirty-five (35), one thousand dollars (\$1,000) per degree; for

each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, **and before July 1, 2003**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of

permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2003, and before July 1, 2004, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred dollars (\$1,900) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred dollars (\$2,800) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(10) With respect to injuries occurring on and after July 1, 2004, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred dollars (\$1,900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred dollars (\$2,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand dollars (\$3,000) per degree; for each degree of permanent impairment above fifty (50), three thousand seven hundred dollars (\$3,700) per degree.

(e) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (c) and (d) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2003, eight hundred eighty-two dollars**

1 (\$882).

2 **(11) With respect to injuries occurring on or after July 1,**
 3 **2003, and before July 1, 2004, nine hundred fifteen dollars**
 4 **(\$915).**

5 **(12) With respect to injuries occurring on or after July 1,**
 6 **2004, and before July 1, 2005, nine hundred fifty-four dollars**
 7 **(\$954).**

8 **(13) With respect to injuries occurring on or after July 1,**
 9 **2005, and before July 1, 2006, nine hundred ninety dollars**
 10 **(\$990).**

11 **(14) With respect to injuries occurring on or after July 1,**
 12 **2006, one thousand thirty-two dollars (\$1,032)."**

13 Page 10, between lines 11 and 12, begin a new paragraph and insert:

14 "SECTION 4. IC 22-3-7-16, AS AMENDED BY P.L.1-2001,
 15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2003]: Sec. 16. (a) Compensation shall be allowed on account
 17 of disablement from occupational disease resulting in only temporary
 18 total disability to work or temporary partial disability to work
 19 beginning with the eighth day of such disability except for the medical
 20 benefits provided for in section 17 of this chapter. Compensation shall
 21 be allowed for the first seven (7) calendar days only as provided in this
 22 section. The first weekly installment of compensation for temporary
 23 disability is due fourteen (14) days after the disability begins. Not later
 24 than fifteen (15) days from the date that the first installment of
 25 compensation is due, the employer or the employer's insurance carrier
 26 shall tender to the employee or to the employee's dependents, with all
 27 compensation due, a properly prepared compensation agreement in a
 28 form prescribed by the board. Whenever an employer or the employer's
 29 insurance carrier denies or is not able to determine liability to pay
 30 compensation or benefits, the employer or the employer's insurance
 31 carrier shall notify the worker's compensation board and the employee
 32 in writing on a form prescribed by the worker's compensation board not
 33 later than thirty (30) days after the employer's knowledge of the
 34 claimed disablement. If a determination of liability cannot be made
 35 within thirty (30) days, the worker's compensation board may approve
 36 an additional thirty (30) days upon a written request of the employer or
 37 the employer's insurance carrier that sets forth the reasons that the
 38 determination could not be made within thirty (30) days and states the
 39 facts or circumstances that are necessary to determine liability within
 40 the additional thirty (30) days. More than thirty (30) days of additional
 41 time may be approved by the worker's compensation board upon the
 42 filing of a petition by the employer or the employer's insurance carrier
 43 that sets forth:

- 44 (1) the extraordinary circumstances that have precluded a
- 45 determination of liability within the initial sixty (60) days;
- 46 (2) the status of the investigation on the date the petition is filed;
- 47 (3) the facts or circumstances that are necessary to make a

1 determination; and

2 (4) a timetable for the completion of the remaining investigation.

3 An employer who fails to comply with this section is subject to a civil
4 penalty of fifty dollars (\$50), to be assessed and collected by the board
5 upon notice and hearing. Civil penalties collected under this section
6 shall be deposited in the state general fund.

7 (b) Once begun, temporary total disability benefits may not be
8 terminated by the employer unless:

9 (1) the employee has returned to work;

10 (2) the employee has died;

11 (3) the employee has refused to undergo a medical examination
12 under section 20 of this chapter;

13 (4) the employee has received five hundred (500) weeks of
14 temporary total disability benefits or has been paid the maximum
15 compensation allowable under section 19 of this chapter; or

16 (5) the employee is unable or unavailable to work for reasons
17 unrelated to the compensable disease.

18 In all other cases the employer must notify the employee in writing of
19 the employer's intent to terminate the payment of temporary total
20 disability benefits, and of the availability of employment, if any, on a
21 form approved by the board. If the employee disagrees with the
22 proposed termination, the employee must give written notice of
23 disagreement to the board and the employer within seven (7) days after
24 receipt of the notice of intent to terminate benefits. If the board and
25 employer do not receive a notice of disagreement under this section,
26 the employee's temporary total disability benefits shall be terminated.
27 Upon receipt of the notice of disagreement, the board shall immediately
28 contact the parties, which may be by telephone or other means and
29 attempt to resolve the disagreement. If the board is unable to resolve
30 the disagreement within ten (10) days of receipt of the notice of
31 disagreement, the board shall immediately arrange for an evaluation of
32 the employee by an independent medical examiner. The independent
33 medical examiner shall be selected by mutual agreement of the parties
34 or, if the parties are unable to agree, appointed by the board under
35 IC 22-3-4-11. If the independent medical examiner determines that the
36 employee is no longer temporarily disabled or is still temporarily
37 disabled but can return to employment that the employer has made
38 available to the employee, or if the employee fails or refuses to appear
39 for examination by the independent medical examiner, temporary total
40 disability benefits may be terminated. If either party disagrees with the
41 opinion of the independent medical examiner, the party shall apply to
42 the board for a hearing under section 27 of this chapter.

43 (c) An employer is not required to continue the payment of
44 temporary total disability benefits for more than fourteen (14) days
45 after the employer's proposed termination date unless the independent
46 medical examiner determines that the employee is temporarily disabled
47 and unable to return to any employment that the employer has made

1 available to the employee.

2 (d) If it is determined that as a result of this section temporary total
3 disability benefits were overpaid, the overpayment shall be deducted
4 from any benefits due the employee under this section and, if there are
5 no benefits due the employee or the benefits due the employee do not
6 equal the amount of the overpayment, the employee shall be
7 responsible for paying any overpayment which cannot be deducted
8 from benefits due the employee.

9 (e) For disablements occurring on and after April 1, 1951, and prior
10 to July 1, 1971, from occupational disease resulting in temporary total
11 disability for any work there shall be paid to the disabled employee
12 during such temporary total disability a weekly compensation equal to
13 sixty percent (60%) of the employee's average weekly wages for a
14 period not to exceed five hundred (500) weeks. Compensation shall be
15 allowed for the first seven (7) calendar days only if the disability
16 continues for longer than twenty-eight (28) days.

17 For disablements occurring on and after July 1, 1971, and prior to
18 July 1, 1974, from occupational disease resulting in temporary total
19 disability for any work there shall be paid to the disabled employee
20 during such temporary total disability a weekly compensation equal to
21 sixty percent (60%) of the employee's average weekly wages, as
22 defined in section 19 of this chapter, for a period not to exceed five
23 hundred (500) weeks. Compensation shall be allowed for the first seven
24 (7) calendar days only if the disability continues for longer than
25 twenty-eight (28) days.

26 For disablements occurring on and after July 1, 1974, and before
27 July 1, 1976, from occupational disease resulting in temporary total
28 disability for any work there shall be paid to the disabled employee
29 during such temporary total disability a weekly compensation equal to
30 sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average
31 weekly wages, up to one hundred thirty-five dollars (\$135) average
32 weekly wages, as defined in section 19 of this chapter, for a period not
33 to exceed five hundred (500) weeks. Compensation shall be allowed for
34 the first seven (7) calendar days only if the disability continues for
35 longer than twenty-one (21) days.

36 For disablements occurring on and after July 1, 1976, from
37 occupational disease resulting in temporary total disability for any work
38 there shall be paid to the disabled employee during the temporary total
39 disability weekly compensation equal to sixty-six and two-thirds
40 percent ($66\frac{2}{3}\%$) of the employee's average weekly wages, as defined
41 in section 19 of this chapter, for a period not to exceed five hundred
42 (500) weeks. Compensation shall be allowed for the first seven (7)
43 calendar days only if the disability continues for longer than twenty-one
44 (21) days.

45 (f) For disablements occurring on and after April 1, 1951, and prior
46 to July 1, 1971, from occupational disease resulting in temporary
47 partial disability for work there shall be paid to the disabled employee

1 during such disability a weekly compensation equal to sixty percent
 2 (60%) of the difference between the employee's average weekly wages
 3 and the weekly wages at which the employee is actually employed after
 4 the disablement, for a period not to exceed three hundred (300) weeks.
 5 Compensation shall be allowed for the first seven (7) calendar days
 6 only if the disability continues for longer than twenty-eight (28) days.
 7 In case of partial disability after the period of temporary total disability,
 8 the later period shall be included as part of the maximum period
 9 allowed for partial disability.

10 For disablements occurring on and after July 1, 1971, and prior to
 11 July 1, 1974, from occupational disease resulting in temporary partial
 12 disability for work there shall be paid to the disabled employee during
 13 such disability a weekly compensation equal to sixty percent (60%) of
 14 the difference between the employee's average weekly wages, as
 15 defined in section 19 of this chapter, and the weekly wages at which the
 16 employee is actually employed after the disablement, for a period not
 17 to exceed three hundred (300) weeks. Compensation shall be allowed
 18 for the first seven (7) calendar days only if the disability continues for
 19 longer than twenty-eight (28) days. In case of partial disability after the
 20 period of temporary total disability, the latter period shall be included
 21 as a part of the maximum period allowed for partial disability.

22 For disablements occurring on and after July 1, 1974, from
 23 occupational disease resulting in temporary partial disability for work
 24 there shall be paid to the disabled employee during such disability a
 25 weekly compensation equal to sixty-six and two-thirds percent (66
 26 $\frac{2}{3}$ %) of the difference between the employee's average weekly wages,
 27 as defined in section 19 of this chapter, and the weekly wages at which
 28 ~~he~~ **the employee** is actually employed after the disablement, for a
 29 period not to exceed three hundred (300) weeks. Compensation shall
 30 be allowed for the first seven (7) calendar days only if the disability
 31 continues for longer than twenty-one (21) days. In case of partial
 32 disability after the period of temporary total disability, the latter period
 33 shall be included as a part of the maximum period allowed for partial
 34 disability.

35 (g) For disabilities occurring on and after April 1, 1951, and prior
 36 to April 1, 1955, from occupational disease in the following schedule,
 37 the employee shall receive in lieu of all other compensation, on account
 38 of such disabilities, a weekly compensation of sixty percent (60%) of
 39 the employee's average weekly wage; for disabilities occurring on and
 40 after April 1, 1955, and prior to July 1, 1971, from occupational disease
 41 in the following schedule, the employee shall receive in addition to
 42 disability benefits not exceeding twenty-six (26) weeks on account of
 43 said occupational disease a weekly compensation of sixty percent
 44 (60%) of the employee's average weekly wages.

45 For disabilities occurring on and after July 1, 1971, and before July
 46 1, 1977, from occupational disease in the following schedule, the
 47 employee shall receive in addition to disability benefits not exceeding

1 twenty-six (26) weeks on account of said occupational disease a weekly
 2 compensation of sixty percent (60%) of ~~his~~ **the employee's** average
 3 weekly wages not to exceed one hundred dollars (\$100) average weekly
 4 wages, for the period stated for such disabilities respectively.

5 For disabilities occurring on and after July 1, 1977, and before July
 6 1, 1979, from occupational disease in the following schedule, the
 7 employee shall receive in addition to disability benefits not exceeding
 8 twenty-six (26) weeks on account of the occupational disease a weekly
 9 compensation of sixty percent (60%) of the employee's average weekly
 10 wages, not to exceed one hundred twenty-five dollars (\$125) average
 11 weekly wages, for the period stated for the disabilities.

12 For disabilities occurring on and after July 1, 1979, and before July
 13 1, 1988, from occupational disease in the following schedule, the
 14 employee shall receive in addition to disability benefits, not exceeding
 15 fifty-two (52) weeks on account of the occupational disease, a weekly
 16 compensation of sixty percent (60%) of the employee's average weekly
 17 wages, not to exceed one hundred twenty-five dollars (\$125) average
 18 weekly wages, for the period stated for the disabilities.

19 For disabilities occurring on and after July 1, 1988, and before July
 20 1, 1989, from occupational disease in the following schedule, the
 21 employee shall receive in addition to disability benefits, not exceeding
 22 seventy-eight (78) weeks on account of the occupational disease, a
 23 weekly compensation of sixty percent (60%) of the employee's average
 24 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
 25 average weekly wages, for the period stated for the disabilities.

26 For disabilities occurring on and after July 1, 1989, and before July
 27 1, 1990, from occupational disease in the following schedule, the
 28 employee shall receive in addition to disability benefits, not exceeding
 29 seventy-eight (78) weeks on account of the occupational disease, a
 30 weekly compensation of sixty percent (60%) of the employee's average
 31 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
 32 average weekly wages, for the period stated for the disabilities.

33 For disabilities occurring on and after July 1, 1990, and before July
 34 1, 1991, from occupational disease in the following schedule, the
 35 employee shall receive in addition to disability benefits, not exceeding
 36 seventy-eight (78) weeks on account of the occupational disease, a
 37 weekly compensation of sixty percent (60%) of the employee's average
 38 weekly wages, not to exceed two hundred dollars (\$200) average
 39 weekly wages, for the period stated for the disabilities.

40 (1) Amputations: For the loss by separation, of the thumb, sixty
 41 (60) weeks; of the index finger, forty (40) weeks; of the second
 42 finger, thirty-five (35) weeks; of the third or ring finger, thirty
 43 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
 44 hand by separation below the elbow, two hundred (200) weeks; of
 45 the arm above the elbow joint, two hundred fifty (250) weeks; of
 46 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 47 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)

1 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
2 the knee joint, one hundred fifty (150) weeks; and of the leg
3 above the knee joint, two hundred (200) weeks. The loss of more
4 than one (1) phalange of a thumb or toe shall be considered as the
5 loss of the entire thumb or toe. The loss of more than two (2)
6 phalanges of a finger shall be considered as the loss of the entire
7 finger. The loss of not more than one (1) phalange of a thumb or
8 toe shall be considered as the loss of one-half (1/2) of the thumb
9 or toe and compensation shall be paid for one-half (1/2) of the
10 period for the loss of the entire thumb or toe. The loss of not more
11 than two (2) phalanges of a finger shall be considered as the loss
12 of one-half (1/2) the finger and compensation shall be paid for
13 one-half (1/2) of the period for the loss of the entire finger.

14 (2) Loss of Use: The total permanent loss of the use of an arm,
15 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
16 as the equivalent of the loss by separation of the arm, hand,
17 thumb, finger, leg, foot, toe, or phalange and the compensation
18 shall be paid for the same period as for the loss thereof by
19 separation.

20 (3) Partial Loss of Use: For the permanent partial loss of the use
21 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
22 compensation shall be paid for the proportionate loss of the use of
23 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

24 (4) For disablements for occupational disease resulting in total
25 permanent disability, five hundred (500) weeks.

26 (5) For the loss of both hands, or both feet, or the total sight of
27 both eyes, or any two (2) of such losses resulting from the same
28 disablement by occupational disease, five hundred (500) weeks.

29 (6) For the permanent and complete loss of vision by enucleation
30 of an eye or its reduction to one-tenth (1/10) of normal vision with
31 glasses, one hundred fifty (150) weeks, and for any other
32 permanent reduction of the sight of an eye, compensation shall be
33 paid for a period proportionate to the degree of such permanent
34 reduction without correction or glasses. However, when such
35 permanent reduction without correction or glasses would result in
36 one hundred percent (100%) loss of vision, but correction or
37 glasses would result in restoration of vision, then compensation
38 shall be paid for fifty percent (50%) of such total loss of vision
39 without glasses plus an additional amount equal to the
40 proportionate amount of such reduction with glasses, not to
41 exceed an additional fifty percent (50%).

42 (7) For the permanent and complete loss of hearing, two hundred
43 (200) weeks.

44 (8) In all other cases of permanent partial impairment,
45 compensation proportionate to the degree of such permanent
46 partial impairment, in the discretion of the worker's compensation
47 board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (h) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ($1/2$) of the degrees of permanent impairment for the loss

of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third ($\frac{1}{3}$) of the finger and compensation shall be paid for one-third ($\frac{1}{3}$) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half ($\frac{1}{2}$) of the finger and compensation shall be paid for one-half ($\frac{1}{2}$) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth ($\frac{1}{10}$) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6),

1 compensation shall be paid in an amount proportionate to the
2 degree of a permanent reduction.

3 (13) In all other cases of permanent partial impairment,
4 compensation proportionate to the degree of a permanent partial
5 impairment, in the discretion of the worker's compensation board,
6 not exceeding one hundred (100) degrees of permanent
7 impairment.

8 (14) In all cases of permanent disfigurement which may impair
9 the future usefulness or opportunities of the employee,
10 compensation, in the discretion of the worker's compensation
11 board, not exceeding forty (40) degrees of permanent impairment
12 except that no compensation shall be payable under this
13 subdivision where compensation is payable elsewhere in this
14 section.

15 (h) With respect to disablements occurring on and after July 1,
16 1991, compensation for permanent partial impairment shall be paid
17 according to the degree of permanent impairment for the disablement
18 determined under subsection (d) and the following:

19 (1) With respect to disablements occurring on and after July 1,
20 1991, and before July 1, 1992, for each degree of permanent
21 impairment from one (1) to thirty-five (35), five hundred dollars
22 (\$500) per degree; for each degree of permanent impairment from
23 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
24 degree; for each degree of permanent impairment above fifty (50),
25 one thousand five hundred dollars (\$1,500) per degree.

26 (2) With respect to disablements occurring on and after July 1,
27 1992, and before July 1, 1993, for each degree of permanent
28 impairment from one (1) to twenty (20), five hundred dollars
29 (\$500) per degree; for each degree of permanent impairment from
30 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
31 per degree; for each degree of permanent impairment from
32 thirty-six (36) to fifty (50), one thousand three hundred dollars
33 (\$1,300) per degree; for each degree of permanent impairment
34 above fifty (50), one thousand seven hundred dollars (\$1,700) per
35 degree.

36 (3) With respect to disablements occurring on and after July 1,
37 1993, and before July 1, 1997, for each degree of permanent
38 impairment from one (1) to ten (10), five hundred dollars (\$500)
39 per degree; for each degree of permanent impairment from eleven
40 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
41 each degree of permanent impairment from twenty-one (21) to
42 thirty-five (35), one thousand dollars (\$1,000) per degree; for
43 each degree of permanent impairment from thirty-six (36) to fifty
44 (50), one thousand four hundred dollars (\$1,400) per degree; for
45 each degree of permanent impairment above fifty (50), one
46 thousand seven hundred dollars (\$1,700) per degree.

47 (4) With respect to disablements occurring on and after July 1,

1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, **and before July 1, 2003**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July

1, 2003, and before July 1, 2004, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred dollars (\$1,900) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred dollars (\$2,800) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree. (10) With respect to disablements occurring on and after July 1, 2004, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred dollars (\$1,900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred dollars (\$2,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand dollars (\$3,000) per degree; for each degree of permanent impairment above fifty (50), three thousand seven hundred dollars (\$3,700) per degree.

(i) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (g) and (h) shall not exceed the following:

- (1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).
- (8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).
- (9) With respect to ~~injuries~~ **disablements** occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to ~~injuries~~ **disablements** occurring on or after July 1, 2002, **and before July 1, 2003**, eight hundred eighty-two dollars (\$882).

(11) **With respect to disablements occurring on or after July 1, 2003, and before July 1, 2004, nine hundred fifteen dollars (\$915).**

(12) **With respect to disablements occurring on or after July 1, 2004, and before July 1, 2005, nine hundred fifty-four dollars (\$954).**

(13) **With respect to disablements occurring on or after July 1, 2005, and before July 1, 2006, nine hundred ninety dollars (\$990).**

(14) **With respect to disablements occurring on or after July 1, 2006, one thousand thirty-two dollars (\$1,032).**

(j) If any employee, only partially disabled, refuses employment suitable to ~~his~~ **the employee's** capacity, ~~procured for him; he~~ **the employee** shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(k) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which ~~he~~ **the employee** suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(l) If an employee suffers a disablement from occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or

1 disability by occupational disease in the same employment, ~~he~~ **the**
 2 **employee** shall not at the same time be entitled to compensation for
 3 both, unless it be for a permanent injury, such as specified in
 4 subsection (g)(1), (g)(4), (g)(5), (g)(8), or (g)(9); but the employee
 5 shall be entitled to compensation for that disability and from the time
 6 of that disability which will cover the longest period and the largest
 7 amount payable under this chapter.

8 (m) If an employee receives a permanent disability from
 9 occupational disease such as specified in subsection (g)(1), (g)(4),
 10 (g)(5), (g)(8), or (g)(9) after having sustained another such permanent
 11 disability in the same employment the employee shall be entitled to
 12 compensation for both such disabilities, but the total compensation
 13 shall be paid by extending the period and not by increasing the amount
 14 of weekly compensation and, when such previous and subsequent
 15 permanent disabilities, in combination result in total permanent
 16 disability or permanent total impairment, compensation shall be
 17 payable for such permanent total disability or impairment, but
 18 payments made for the previous disability or impairment shall be
 19 deducted from the total payment of compensation due.

20 (n) When an employee has been awarded or is entitled to an award
 21 of compensation for a definite period under this chapter for disability
 22 from occupational disease, which disablement occurs on and after April
 23 1, 1951, and prior to April 1, 1963, and such employee dies from any
 24 other cause than such occupational disease, payment of the unpaid
 25 balance of such compensation, not exceeding three hundred (300)
 26 weeks, shall be made to the employee's dependents of the second and
 27 third class as defined in sections 11 through 14 of this chapter, and
 28 compensation, not exceeding five hundred (500) weeks, shall be made
 29 to the employee's dependents of the first class as defined in sections 11
 30 through 14 of this chapter. When an employee has been awarded or is
 31 entitled to an award of compensation for a definite period from an
 32 occupational disease wherein disablement occurs on and after April 1,
 33 1963, and such employee dies from other causes than such
 34 occupational disease, payment of the unpaid balance of such
 35 compensation not exceeding three hundred fifty (350) weeks shall be
 36 paid to the employee's dependents of the second and third class as
 37 defined in sections 11 through 14 of this chapter and compensation, not
 38 exceeding five hundred (500) weeks shall be made to the employee's
 39 dependents of the first class as defined in sections 11 through 14 of this
 40 chapter.

41 (o) Any payment made by the employer to the employee during the
 42 period of the employee's disability, or to the employee's dependents,
 43 which, by the terms of this chapter, was not due and payable when
 44 made, may, subject to the approval of the worker's compensation board,
 45 be deducted from the amount to be paid as compensation, but such
 46 deduction shall be made from the distal end of the period during which
 47 compensation must be paid, except in cases of temporary disability.

1 (p) When so provided in the compensation agreement or in the
 2 award of the worker's compensation board, compensation may be paid
 3 semimonthly, or monthly, instead of weekly.

4 (q) When the aggregate payments of compensation awarded by
 5 agreement or upon hearing to an employee or dependent under eighteen
 6 (18) years of age do not exceed one hundred dollars (\$100), the
 7 payment thereof may be made directly to such employee or dependent,
 8 except when the worker's compensation board shall order otherwise.

9 Whenever the aggregate payments of compensation, due to any
 10 person under eighteen (18) years of age, exceed one hundred dollars
 11 (\$100), the payment thereof shall be made to a trustee, appointed by the
 12 circuit or superior court, or to a duly qualified guardian, or, upon the
 13 order of the worker's compensation board, to a parent or to such minor
 14 person. The payment of compensation, due to any person eighteen (18)
 15 years of age or over, may be made directly to such person.

16 (r) If an employee, or a dependent, is mentally incompetent, or a
 17 minor at the time when any right or privilege accrues to the employee
 18 under this chapter, the employee's guardian or trustee may, in the
 19 employee's behalf, claim and exercise such right and privilege.

20 (s) All compensation payments named and provided for in this
 21 section, shall mean and be defined to be for only such occupational
 22 diseases and disabilities therefrom as are proved by competent
 23 evidence, of which there are or have been objective conditions or
 24 symptoms proven, not within the physical or mental control of the
 25 employee himself."

26 Renumber all SECTIONS consecutively.

27 (Reference is to SB 430 as printed February 14, 2003.)

Senator BOWSER